Adoption and Children Bill

[AS INTRODUCED]

A

Bill

to

Restate and amend the law relating to adoption; to make further amendments of the law relating to children; and for connected purposes.

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

PART 1

Adoption

CHAPTER 1

introductory

Considerations applying to the exercise of powers

1.—(1) This section applies whenever a court or adoption agency is coming to a decision relating to the adoption of a child.

(7) In this section “coming to a decision relating to the adoption of a child”, in relation to a court, includes—

(a) coming to a decision in any proceedings where the orders that might be made by the court include an adoption order (or the revocation of such an order), a placement order

but does not include coming to a decision about granting leave in any other circumstances.

CHAPTER 2

the adoption service

The Adoption Service

Basic definitions

2.—(1) The services maintained under section 4(1) may be collectively referred to as “the Adoption Service”.

(2) In this Act⁠—

“adoption agency” means an adoption authority or an appropriate voluntary organisation;

“adoption society” means a body whose functions consist of or include making arrangements for the adoption of children;

“adoption authority” is to be construed in accordance with section 3.

(5) In subsections (3) and (4)⁠—

“registered” means registered under Part 3 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003;

“registration” means registration under that Order.

(6) In this Act⁠ “adoption support services” means—

(a) counselling, advice and information; and

(b) such other services as may be prescribed,

in relation to adoption.

Adoption authority

3**.**—(3) In this Act⁠—

“HSC trust” means a Health and Social Care trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991 except the Northern Ireland Ambulance Service Health and Social Care Trust; and

references to the area of an HSC trust are to the area prescribed as the area of that trust for the purposes of this Act.

(4) Regulations may amend the definition of “HSC trust” in subsection (3).

(5) The Regional Board is the adoption authority in relation to any area in relation to which there would otherwise be no adoption authority.

The Adoption Service

4.—(6) In this section “social care” has the meaning given by section 2(5) of the Health and Social Care (Reform) Act (Northern Ireland) 2009 (and, in particular, social care in so far as it relates to children).

Adoption support services: duty to provide information

6.—(2) In this section “registration” means registration under Part 3 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003.

Inactive or defunct adoption societies, etc.

8.—(6) In this section “registration” means registration under Part 3 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003.

(10) In this section⁠—

“independent review function” means a function conferred or imposed on the Department by regulations made under this section;

“organisation” includes a public body and a private or voluntary organisation.

CHAPTER 3

Placement for adoption and adoption orders

Placement of children by adoption agency for adoption

Placement for adoption by agencies

15.—(1) An adoption agency may⁠—

(a) place a child for adoption with prospective adopters; or

(b) where it has placed a child with any persons (whether under this Part or not), keep the child with them as prospective adopters;

(8) In subsection (4) “adoption order” means an adoption order made under the law of any part of the United Kingdom.

Placing children with parental consent

16.—(6) In subsection (5) “adoption order” means an adoption order made under the law of any part of the United Kingdom.

(5) In this section “provision for contact under the Children Order” means a contact order under Article 8 of the Children Order or an order under Article 53 of that Order (parental contact with children in care).

(9) In subsection (8)(b) “family proceedings” has the same meaning as in the Children Order.

(10) This section applies whether or not the child is in Northern Ireland.

(6) Article 14A(7) of the Children Order applies in respect of an application for a special guardianship order for which leave has been given as mentioned in subsection (5)(b) with the omission of the words “the beginning of the period of three months ending with”.

(2) If any parent or guardian (“P or G”) of the child informs the agency that P or G wishes the child to return to P or G, the agency must secure the child’s return to P or G within the period of 14 days beginning with the request unless an application is, or has been, made for a placement order and the application has not been disposed of.

(7) In subsection (5)(b) “adoption order” means an adoption order made under the law of any part of the United Kingdom.

Removal of children in non-agency cases

Restrictions on removal

33.—(1) At any time when a child’s home is with any persons (“the people concerned”) with whom the child is not placed by an adoption agency, but the people concerned⁠—

(a) have applied for an adoption order in respect of the child and the application has not been disposed of;

Notice of intention to adopt

41.—(1) This section applies where persons (referred to in this section as “proposed adopters”) wish to adopt a child who is not placed for adoption with them by an adoption agency.

(2) An adoption order may not be made in respect of the child unless the proposed adopters have given notice to the appropriate adoption authority of their intention to apply for the adoption order (referred to in this Act as a “notice of intention to adopt”).

(2) The making of an adoption order operates to extinguish⁠—

(a) the parental responsibility which any person other than the adopters or adopter has for the adopted child immediately before the making of the order.

“Excepted order” means an order under section 9, 11(1)(d) or 13 of the Children (Scotland) Act 1995 or an exclusion order within the meaning of section 76(1) of that Act.

(9) In this section, “Scottish permanence order” means a permanence order under section 80 of the Adoption and Children (Scotland) Act 2007 (including a deemed permanence order having effect by virtue of article 13(1), 14(2), 17(1) or 19(2) of the Adoption and Children (Scotland) Act 2007 (Commencement No. 4, Transitional and Savings Provisions) Order 2009).

(5) References in this Act to a child, in connection with any proceedings (whether or not concluded) for adoption, (such as “child to be adopted” or “adopted child”) include a person who has attained the age of 18 years before the proceedings are concluded.

(5) “Consent” means consent given unconditionally and with full understanding of what is involved; but a person may consent to adoption without knowing the identify of the persons in whose favour the order will be made.

(6) “Parent” (except in subsections (9) and (10)) means a parent having parental responsibility.

(6) In this section, “notice of intention to adopt” includes notice of intention to apply for an adoption order under the law of any part of the United Kingdom.

(6) In subsection (4) “prescribed” means prescribed by rules of court.

(5) Regulations may provide for the payment of a prescribed fee in respect of the disclosure in prescribed circumstances of any information in pursuance of section 59, 60 or 61; but an adopted person (“A”) may not be required to pay any fee in respect of any information disclosed to A in relation to any person who (but for A’s adoption) would be related to A by blood (including half-blood), marriage or civil partnership.

Sections 55 to 64: interpretation

64**.** In this group of sections⁠—

“appropriate adoption agency”, in relation to an adopted person or to information relating to that person’s adoption, means⁠—

(a) if the person was placed for adoption by an adoption agency, that agency or (if different) the agency which keeps the information in relation to that person’s adoption;

(b) in any other case, the adoption authority to which notice of intention to adopt was given;

“prescribed” means, except in section 59(4), prescribed by regulations;

“regulations” means regulations under section 9.

CHAPTER 4

STATUS OF ADOPTED CHILDREN

Meaning of adoption in Chapter 4

65.—(1) In this Chapter “adoption” means⁠—

(a) adoption by an adoption order made under the law of any part of the United Kingdom;

(b) adoption by an order made in the Isle of Man or any of the Channel Islands;

(c) an adoption effected under the law of a Convention country outside the United Kingdom, the Channel Islands and the Isle of Man, and certified in pursuance of Article 23(1) of the Convention (referred to in this Act as a “Convention adoption”);

(d) an overseas adoption; or

(e) an adoption recognised by the law of Northern Ireland and effected under the law of any other country.

(2) But references in this Chapter to adoption do not include an adoption effected before the day on which this Chapter comes into operation (referred to in this Chapter as “the appointed day”).

(2) Subsection (1) does not affect the interpretation of any reference, not qualified by the word “adoptive”, to a relationship.

(3) Examples of phrases in wills on which subsection (2) can operate are⁠—

1. Children of A “living at my death or born afterwards”.

2. Children of A “living at my death or born afterwards before any one of such children for the time being in existence attains a vested interest and who attain the age of 21 years”.

3. As in example 1 or 2, but referring to grandchildren of A instead of children of A.

4. A for life “until A has a child”, and then to A’s child or children.

*Note.* Subsection (2) will not affect the reference to the age of 21 years in example 2.

(4) Section 66(3) does not prejudice⁠—

(a) any qualifying interest;

“Qualifying interest” means an interest vested in possession in the adopted person before the adoption.

(6) In this section, “instrument” includes a private Act settling property, but not any other statutory provision.

(7) This section does not apply to a statutory provision or other instrument passed or made before 1st October 1989.

Dispositions depending on date of birth

69.—(2) Subsection (1) applies for example where⁠—

(a) a testator (“T”) dies in 2017 bequeathing a legacy to T’s eldest grandchild living at a specified time;

Connections between the register and birth records

78.—(1) The Registrar General must make traceable the connection between any entry in the registers of live-births or other records which has been marked “Adopted” and any corresponding entry in the Adopted Children Register.

(9) In this section—

“appointed day” means the day appointed for the commencement of sections 55 to 64;

“appropriate adoption agency” has the same meaning as in section 64;

“prohibited degrees of relationship” is to be construed in accordance with Article 18 of the Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984 and Schedule 12 to the Civil Partnership Act 2004.

(2) In section 79, “relative”, in relation to an adopted person, means any person who (but for the adopted person’s adoption) would be related to the adopted person by blood (including half-blood), marriage or civil partnership.

Interpretation

81.—(1) In this Chapter—

“prescribed” means prescribed by regulations;

“records” includes certified copies kept by the Registrar General of entries in any register of births;

“registers of live-births” means the registers of live-births made under the Births and Deaths Registration (Northern Ireland) Order 1976;

“regulations” means regulations made by the Department of Finance.

(2) Any register, record or index maintained under this Chapter may be maintained in any form the Registrar General considers appropriate; and references (however expressed) to entries in such a register, or to their amendment, marking or cancellation, are to be read accordingly.

CHAPTER 6

Adoptions with a foreign element

Bringing children into and out of the United Kingdom

Restriction on bringing children in

82**.**—(1) This section applies where a person who is habitually resident in the United Kingdom, any of the Channel Islands or the Isle of Man (the “British resident”)⁠—

(a) brings, or causes another to bring, a child who is habitually resident outside the United Kingdom, any of the Channel Islands or the Isle of Man into the United Kingdom for the purpose of adoption by the British resident; or

(b) at any time brings, or causes another to bring, into the United Kingdom a child adopted by the British resident under an external adoption effected within the period of twelve months ending with that time.

(7) If a person (“P”) brings, or causes another to bring, a child into the United Kingdom at any time in circumstances where this section applies, P is guilty of an offence if⁠—

(a) P has not complied with any requirement imposed by virtue of subsection (4); or

(b) any condition required to be met by virtue of subsection (5) is not met,

before that time, or before any later time which may be prescribed.

special restrictions

Declaration of special restrictions on adoptions from abroad

86.—(1) This section applies if the Department has reason to believe that, because of practices taking place in a country or territory outside the United Kingdom, the Channel Islands and the Isle of Man, (the “other country”) in connection with the adoption of children, it would be contrary to public policy to further the bringing of children into the United Kingdom in the cases mentioned in subsection (2).

(4) A country or territory in relation to which such a declaration has effect for the time being is referred to in this section as a “restricted country”.

(5) The Department must publish reasons for making the declaration in relation to each restricted country.

(6) The Department must publish a list of restricted countries (“the restricted list”) and keep the list up to date.

(7) The reasons and the restricted list are to be published in whatever way the Department thinks appropriate for bringing them to the attention of adoption agencies and members of the public.

(8) In this section, “British resident” means a person who is habitually resident in the United Kingdom, the Channel Islands and the Isle of Man, and the reference to adoption by a British resident includes adoption by a British resident and another person.

(3) In this section, “restricted country” has the same meaning as in section 86.

(6) In this section, “restricted country” and “restricted list” have the same meanings as in section 86.

Overseas adoptions

Overseas adoptions

90.—(1) In this Act, “overseas adoption”—

(a) means an adoption of a prescribed description, being a description of adoptions effected under the law of any country or territory outside the United Kingdom, the Channel Islands and the Isle of Man; but

(b) does not include a Convention adoption.

(6) In this section “adoption” means an adoption of a child or of a person who was a child at the time the adoption was applied for.

(2) A person (“P”) is not guilty of an offence under subsection (1) of taking the step mentioned in paragraph (f) of section 96(2) unless it is proved that P knew or had reason to suspect that the child was handed over to the person in contravention of paragraph (e) of that subsection.

(3) A person (“P”) is not guilty of an offence under subsection (1) of causing a person to take any of the steps mentioned in paragraphs (a) to (h) of section 96(2) unless it is proved that P knew or had reason to suspect that the step taken would contravene the paragraph in question.

Restriction on reports

98**.**—(1) A person who is not within a prescribed description may not, in any prescribed circumstances, prepare a report for any person about the suitability of a child for adoption or of a person to adopt a child or about the adoption, or placement for adoption, of a child.

(2) If a person (“P”)—

(a) contravenes subsection (1); or

(b) causes a person to prepare a report, or submits to any person a report which has been prepared, in contravention of that subsection,

P is guilty of an offence.

(4) A person (“P”) is not guilty of an offence under subsection (2)(b) unless it is proved that P knew or had reason to suspect that the report would be, or had been, prepared in contravention of subsection (1); but this subsection only applies if sufficient evidence is adduced to raise an issue as to whether P had the knowledge or reason mentioned.

Sections 96 to 100: interpretation

101**.** In sections 96 to 100⁠—

“adoption agency” includes an adoption agency in Great Britain;

“payment” includes reward; and

references to adoption are to the adoption of persons, wherever they may be habitually resident, effected under the law of any country or territory, whether within or outside the United Kingdom, the Channel Islands and the Isle of Man.

(8) In this section⁠—

“appointed day” means the day appointed for the commencement of sections 55 to 64;

“prescribed” means prescribed by regulations under section 9;

“relative”, in relation to an adopted person (“A”), means any person who (but for A’s adoption) would be related to A by blood (including half-blood), marriage or civil partnership.

(2) In Schedule 2 to the Administration of Justice Act 1960, in sub-paragraph (1) of the entry relating to section 12, in subsection (1)(a)(ii) after “1995” insert “or the Adoption and Children Act (Northern Ireland) 2021”.

(5) In this section, “relevant application” means an application for⁠—

(a) the making, varying or revocation of a placement order;

(6) Rules may make provision as to the assistance which the court may require a children’s court guardian to give to it.

(7) In subsections (1) to (4) “prescribed” means prescribed by rules of court.

(6) In this section⁠—

“Scottish adoption order” includes an order under section 25 of the Adoption (Scotland) Act 1978 (interim adoption orders);

“Scottish permanence order” means a permanence order under section 80 of the Adoption and Children (Scotland) Act 2007 (asp 4) (including a deemed permanence order having effect by virtue of article 13(1), 14(2), 17(1) or 19(2) of the Adoption and Children (Scotland) Act 2007 (Commencement No. 4, Transitional and Savings Provisions) Order 2009).

(2) Section 24 of the Interpretation Act (Northern Ireland) 1954 has effect in relation to this Act as if in subsection (1) the word “registering” were omitted.

(3) In paragraphs 1 and 2 of Schedule 7 to the Children Order, after “this Order” in each place where it occurs mewnosoder “or the Adoption and Children Act (Northern Ireland) 2021”.

Definition of family proceedings

116. In Article 8 of the Children Order (residence, contact and other orders with respect to children), in paragraph (4) after sub-paragraph (h) insert⁠—

“(ha) Part 2 of Schedule 2 to the Female Genital Mutilation Act 2003 (other than paragraph 20 of that Schedule).”,

Article 8 orders: authority foster parents

117**.** In Article 9 of the Children Order (restrictions on making Article 8 orders)⁠—

(a) in paragraph (3)(c), for “three years” substitute “one year”; and

(b) omit paragraph (4).

Duration of residence orders

118**.**—(1) The Children Order has effect in relation to a child who is looked after by an authority (within the meaning of that Order) as follows.

(2) Article 9(6) (restrictions on making Article 8 orders) has effect as if for the words from the beginning to “Article 8 order” there were substituted “No court shall make a specific issue order, contact order or prohibited steps order”.

(3) Article 179(10) (duration of Article 8 orders), has effect as if after “Article 8 order” there were inserted “other than a residence order”.

Special guardianship

119.—(1) After Article 14 of the Children Order insert⁠—

“Special guardianship

Special guardianship orders

14A.⁠—(1) A “special guardianship order” is an order appointing one or more persons to be a child’s “special guardian” (or special guardians).

(

(12) Article 46 (co-operation between authorities and other bodies) applies in relation to the exercise of functions of an authority under this Article as it applies in relation to the exercise of functions of an authority under Part 4.”.

(2) In Article 3 of that Order (child’s welfare to be paramount consideration), in paragraph (4)(b), after “discharge” insert “a special guardianship order or”.

(3) In Article 57 of that Order (interim orders), after paragraph (3) insert⁠—

“(3A) Where, in any proceedings on an application for a care or a supervision order, a court makes a special guardianship order with respect to the child concerned, it may also make an interim supervision order with respect to the child if it considers it necessary to do so to satisfactorily safeguard the child’s welfare.”.

(4) In Article 159 of that Order (appointment of guardians by court), in paragraph (1)⁠—

(a) in sub-paragraph (b), for “or guardian” substitute “, guardian or special guardian”; and

(b) at the end of sub-paragraph (b) add⁠—

“; or

(c) sub-paragraph (b) does not apply, and the child’s only or last surviving special guardian dies.”.

(5) In Article 160 of that Order (appointment of guardians by parent or guardian)⁠—

(a) in paragraph (2), at the end add “; and a special guardian of a child may appoint another person to be the child’s guardian in the event of the special guardian’s death”; and

(b) in paragraph (5), at the end of sub-paragraph (b) add “or the person was the child’s only (or last surviving) special guardian”.

Ascertainment of children’s wishes

120**.**—(1) In Article 18 of the Children Order (general duty of authority to provide social care for children in need, their families and others) after paragraph (4) insert⁠—

“(4A) Before determining what (if any) services to provide for a particular child in need in the exercise of functions conferred on it by this Article, an authority must, so far as is reasonably practicable and consistent with the child’s welfare—

(a) ascertain the child’s wishes and feelings regarding the provision of those services; and

(b) give due consideration (having regard to the child’s age and understanding) to such wishes and feelings of the child as the authority has been able to ascertain.”.

(2) In Article 21 of the Children Order (provision of accommodation for children: general), in sub-paragraphs (a) and (b) of paragraph (6) after “wishes” insert “and feelings”.

(3) In Article 66 of the Children Order (authority’s duty to investigate), after paragraph (5) insert⁠—

“(5A) For the purposes of making a determination under this Article as to the action to be taken with respect to a child, an authority must, so far as is reasonably practicable and consistent with the child’s welfare—

(a) ascertain the child’s wishes and feelings regarding the action to be taken with respect to the child; and

(b) give due consideration (having regard to the child’s age and understanding) to such wishes and feelings of the child as the authority has been able to ascertain.”.

(2) In Article 27 of the Children Order (accommodation and maintenance for children), in paragraph (8)⁠—

(a) at the end of sub-paragraph (a), hepgorer the word “and”;

(b) at the end of sub-paragraph (b) add “; and

(c) the child’s education or training will not be disrupted.”.

(2) In paragraph (2)(aa) after “him” insert “(subject to any regulations made by the Department)”.

Review of cases of looked after children

131**.** In Article 45 of the Children Order (reviews and representations), in paragraph (2) (regulations as to reviews)⁠—

(a) in sub-paragraph (e), omit “to consider” and after “care of the authority” insert⁠—

“(i) to keep the Article 50A plan for the child under review and, if the authority is of the opinion that some change is required, to revise the plan, or make a new plan, accordingly;

(ii) to consider”;

(b) in sub-paragraph (f), omit “to consider” and after “provided by the authority” insert—

“(i) if there is no plan for the future care of the child, to prepare one;

(ii) if there is such a plan for the child, to keep it under review and, if the authority is of the opinion that some change is required, to revise the plan or make a new plan, accordingly;

(iii) to consider”.

Renaming of guardians ad litem

137.—(1) A guardian ad litem is to be known as a children’s court guardian.

(2) In Articles 60 and 61 of the Children Order (guardians ad litem)⁠—

(a) for “guardian ad litem” (wherever occurring) substitute “children’s court guardian”;

(b) for “guardians ad litem” (wherever occurring) substitute “children’s court guardians”.

(3) In the cross-heading preceding Article 60 for “Guardians ad litem” rhodder “Children’s court guardians”.

(4) In each of the following for “guardian ad litem” substitute “children’s court guardian”⁠—

(a) paragraph 6 of Schedule 2 to the Access to Justice (Northern Ireland) Order 2003 (civil legal services: excluded services);

(2) In paragraph (1)⁠—

(a) in sub-paragraph (a)⁠—

(i) after “who are” insert “or are proposed to be”;

(ii) after “is being” insert “or will be”;

(b) in sub-paragraph (b) for “caring for” substitute “concerned with”.

(3) After paragraph (2) insert⁠—

“(2A) Regulations under paragraph (2)(b) may impose requirements as to the action to be taken by an authority for the purposes of discharging the authority’s duty under paragraph (1) where the authority has received notification that a child is proposed to be privately fostered.”.

(4) In paragraph (3)⁠—

(a) after “visit privately fostered children” insert “or children who are proposed to be privately fostered”;

(b) in sub-paragraph (a) omit “or”;

(c) at the end of sub-paragraph (b) add “or

(c) it is proposed to accommodate any child who is proposed to be privately fostered in any such premises,”.

(5) In paragraph (5)⁠—

(a) after “who is” insert “or is proposed to be”;

(b) after “is being” insert “or will be”.

Supplementary

151.—(1) In this group of sections⁠—

“English adoption agency” means “an adoption agency” within the meaning of section 131(1)(za) of the Adoption and Children Act 2002;

“organisation” includes a public body and a private or voluntary organisation;

“the register” means the Northern Ireland Adoption and Children Act Register;

“Scottish adoption agency” has the meaning given by section 144(3) of the Adoption and Children Act 2002;

“Welsh adoption agency” has the meaning given by section 131(1)(ca) of the Adoption and Children Act 2002.

Interpretation

158.—(1) In this Act⁠—

“adoption agency” has the meaning given by section 2;

“adoption authority” has the meaning given by section 2(2);

“adoption order” has the meaning given by section 43(1);

“adoption society” has the meaning given by section 2(2);

“adoption support services” has the meaning given by section 2(6);

“appropriate voluntary organisation” has the meaning given by section 2(3);

“authority foster parent” has the meaning given by Article 2(2) of the Children Order;

“body” includes an unincorporated body;

“care order” has the meaning given by Article 2(2) of the Children Order;

“child”, except where used to express a relationship, means a person who has not attained the age of 18 years;

“child assessment order” has the meaning given in Article 2(2) of the Children Order;

“Children Order” means the Children (Northern Ireland) Order 1995;

“the Convention” means the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, concluded at the Hague on 29th May 1993;

“Convention adoption” has the meaning given in section 65(1)(c);

“Convention adoption order” means an adoption order which, by virtue of regulations under section 1 of the Adoption (Intercountry Aspects) Act (Northern Ireland) 2001 (regulations giving effect to the Convention), is made as a Convention adoption order;

“Convention country” means a country or territory in which the Convention is in force;

“court” has the meaning given by section 115(1)*;*

“the Department” means the Department of Health;

“fee” includes expenses;

“guardian” has the same meaning as in the Children Order and includes a special guardian within the meaning of the Children Order;

“information” means information recorded in any form;

“interim care order” means an interim care order under Article 57 of the Children Order;

“notice” means a notice in writing;

“notice of intention to adopt” has the meaning given in section 41(2);

“overseas adoption” has the meaning given in section 90(1);

“parental responsibility” has the meaning given in Article 6 of the Children Order;

“placement order” has the meaning given in section 18(1);

“placing a child for adoption” and “placed for adoption” have the meanings given in section 15(5) and section 16(4);

“prescribed”, except in sections 51(7) and (8) and 156(5) and paragraphs 1(4), 3, 4 and 6 of Schedule 1 (where it means prescribed by rules of court), means prescribed by regulations;

“prohibited steps order” has the meaning given in Article 8(1) of the Children Order;

“public body” means a body established by or under any statutory provision;

“Regional Board” means the Regional Health and Social Care Board;

“regulations” means regulations made by the Department except where they are required to be made by the Department of Finance;

“relative”, in relation to a child, means a grandparent, brother, sister, uncle or aunt, whether of the full blood or half-blood or by marriage or civil partnership;

“residence order” has the meaning given in Article 8(1) of the Children Order;

“RQIA” means the Health and Social Care Regulation and Quality Improvement Authority;

“rules of court” has the meaning given in section 156(1);

“Scottish adoption order” means an order made, or having effect as if made, under section 28(1) of the Adoption and Children (Scotland) Act 2007 or section 12 of the Adoption (Scotland) Act 1978;

“specific issue order” has the meaning given in Article 8(1) of the Children Order;

“statutory provision” has the meaning given in section 1(f) of the Interpretation Act (Northern Ireland) 1954;

“supervision order” has the meaning given in Article 49(1) of the Children Order;

“voluntary organisation” means a body (other than a public body) the activities of which are not carried on for profit.

SCHEDULES

SCHEDULE 1

Section 76(6)

Registration of adoptions

Registration of adoption orders

1.—(1) Every adoption order must contain a direction to the Registrar General to make in the Adopted Children Register an entry in the form prescribed by regulations made by the Department of Finance.

(3) For paragraph (4) substitute⁠—

“(4) In paragraph (2)⁠—

“care order”, “Health and Social Care trust”, “parental responsibility”, “residence order”, “special guardian” and “special guardianship order” have the same meaning as in the Children (Northern Ireland) Order 1995 and in sub-paragraph (a)(ii) of that paragraph the reference to each guardian of the young person is a reference to each person falling within the definition of “guardian of a child” in Article 2(2) of that Order;

“adoption agency”, “adoption authority”, “placement order” and “placed for adoption” have the same meaning as in the Adoption and Children Act (Northern Ireland) 2021;

“appropriate adoption authority” means the adoption authority authorised by the placement order to place the young person for adoption.”.

(2) Where, on an application to a court for an adoption order in respect of a child, the identity of the child with a child to whom an entry in the registers of live-births or other records relates is proved to the satisfaction of the court, any adoption order made in pursuance of the application must contain a direction to the Registrar General to secure that the entry in the register or, as the case may be, record in question is marked with the word “Adopted”.

(3) Where an adoption order is made in respect of a child who has previously been the subject of an adoption order made by a court in Northern Ireland under Part 1 of this Act or any other statutory provision⁠—

(a) sub-paragraph (2) does not apply; and

(b) the order must contain a direction to the Registrar General to mark the previous entry in the Adopted Children Register with the word “Re-adopted”.

(4) Where an adoption order is made, the prescribed officer of the court which made the order must communicate the order to the Registrar General in the prescribed manner; and the Registrar General must then comply with the directions contained in the order.

(5) In sub-paragraph (4) “prescribed” means prescribed by rules of court.

Registration of adoptions in Great Britain, the Isle of Man and the Channel Islands

2.—(1) Sub-paragraphs (2) and (3) apply where the Registrar General is notified by the authority maintaining a register of adoptions in a part of Great Britain or in the Isle of Man or the Channel Islands that an order has been made authorising the adoption of a child.

(2) If an entry in the registers of live-births or other records (and no entry in the Adopted Children Register) relates to the child, the Registrar General must secure that the entry is marked with—

(a) the word “Adopted”, followed by

(b) the name, in brackets, of the jurisdiction in which the order was made.

(3) If an entry in the Adopted Children Register relates to the child, the Registrar General must mark the entry with—

(a) the word “Re-adopted”, followed by

(b) the name, in brackets, of the jurisdiction in which the order was made.

(2) If the Registrar General is also satisfied that an entry in the registers of live-births or other records relates to the child, the Registrar General must—

(a) secure that the entry is marked “Adopted”, followed by the name, in brackets, of the country in which the adoption was effected; or

(b) where appropriate, secure that the overseas registers of births are so marked.

(4) An entry made in the Adopted Children Register by virtue of this paragraph must be made in the prescribed form.

(5) In this Schedule “registrable foreign adoption” means an adoption which satisfies prescribed requirements and is either—

(a) adoption under a Convention adoption; or

(b) adoption under an overseas adoption.

(6) In this paragraph—

“prescribed” means prescribed by regulations made by the Department of Finance;

“overseas register of births” includes—

(a) a register made under regulations made by the Secretary of State under section 41(1)(g) or (h) of the British Nationality Act 1981;

(b) a record kept under an Order in Council made under section 1 of the Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 (other than a certified copy kept by the Registrar General for England and Wales).

(11) In this paragraph⁠—

“overseas register of births” has the same meaning as in paragraph 3;

“prescribed” means prescribed by rules of court.

Cancellations in registers on legitimation

6.—(1) This paragraph applies where an adoption order is revoked under section 54(1).

(2) The prescribed officer of the court must communicate the revocation in the prescribed manner to the Registrar General who must then cancel or secure the cancellation of—

(a) the entry in the Adopted Children Register relating to the adopted person; and

(b) the marking with the word “Adopted” of any entry relating to the adopted person in the registers of live-births or other records.

(3) A copy or extract of an entry in any register or other record, being an entry the marking of which is cancelled under this paragraph, is not to be treated as an accurate copy unless both the marking and the cancellation are omitted from it.

(4) In this paragraph “prescribed” means prescribed by rules of court.

SCHEDULE 2

Section 78(6)

Disclosure of birth records by Registrar General

1.—(1) On an application made in the prescribed manner by an adopted person⁠—

(a) a record of whose birth is kept by the Registrar General; and

(b) who has attained the age of 18 years,

the Registrar General must give the applicant any information necessary to enable the applicant to obtain a certified copy of the record of the applicant’s birth.

(2) In sub-paragraph (1) “prescribed” means prescribed by regulations made by the Department of Finance.

2.—(1) Before giving any information to an applicant under paragraph 1, the Registrar General must inform the applicant that counselling services are available to the applicant⁠—

(a) from an appropriate voluntary organisation, or a registered adoption society within the meaning of section 2(2) of the Adoption and Children Act 2002 or an organisation within section 144(3)(b) of that Act;

(b) if the applicant is in Northern Ireland, from any HSC trust;

(c) if the applicant is in England and Wales, at the General Register Office or from any local authority or registered adoption support agency;

(d) if the applicant is in Scotland, from any council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.

(2) In sub-paragraph (1)(c), “local authority” and “registered adoption support agency” have the same meaning as in the Adoption and Children Act 2002.

(3) If the applicant chooses to receive counselling from a person or body within sub-paragraph (1), the Registrar General must send to the person or body the information to which the applicant is entitled under paragraph 2.